

REMARKS

Claims 18-21 are pending. Reconsideration of the claims in view of the remarks made herein is respectfully requested.

In the Office Action, claims 18-21 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 5,190,541 to Abele, et al. (hereafter "Abele"). The rejection is respectfully traversed.

To maintain a 35 U.S.C. 102(b) rejection, a reference must teach each and every element of a claimed invention. Abele does not do so.

Applicants' claim 18 recites a surgical device for severing tissue having, *inter alia*, a shaft, a hook member at a distal end of the shaft configured to capture a vessel, *a sliding member having a movable cutting blade housed therein* (emphasis added), and at least one electrode, separate from the hook member and the cutting blade, for cauterizing a captured vessel. The movable cutting blade deploys from the sliding member to cut a vessel captured between the hook member and the cutting blade (Specification, page 11, lines 11-16), while the at least one electrode cauterizes the vessel. Claims 19 and 20 depend directly from claim 18.

Applicants' claim 21 recites a surgical device for severing tissue comprising, *inter alia*, a plunger, a hook member, the hook member and the plunger movable relative to one another and configured to capture a vessel therebetween, and *a cutting blade slidingly disposed within the plunger* (emphasis added).

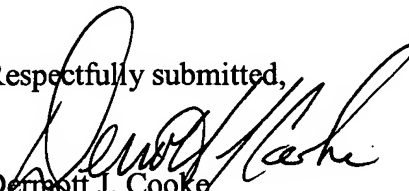
Abele discloses a surgical instrument 10 comprised of a rigid shaft 12 having a proximal end and a distal end, a control section 14 at the proximal end, and a J-hook 16 at the distal end. A longitudinal passage 52 of oval cross section extends through the shaft 12 and houses a pair of sealing clamp bars 54 and an electrosurgical knife 56. The sealing clamp bars 54 and the electrosurgical knife 56 are movable in unison by a shaft 72 connected to the control

section (col. 4, lines 39-45 and 57-60). Thus, the knife 56 of Abele is not housed within a movable sliding member having a cutting blade therein as recited in Applicants' claim 18, nor is the knife 56 of Abele slidingly disposed within a plunger as recited in Applicants' claim 21. Rather, the knife 56 of Abele *is* the movable sliding member or plunger. Abele thus fails to disclose each and every feature recited in Applicants' claims 18-21. Accordingly, withdrawal of the 35 U.S.C. 102(b) rejection of claims 18-21 is respectfully requested.

Applicants submit therefore that the pending claims are patentable and pose no 35 U.S.C. 112 issues. Accordingly, prompt allowance of claims 18-21 is respectfully solicited.

Should the Examiner determine that anything further is desirable to place this application in even better form for Allowance, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,


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